

1 HONORABLE DAVID W. CRISTEL
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT TACOMA
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10 FIRST AMERICAN PROPERTY &
11 CASUALTY INSURANCE COMPANY, an
12 insurance company.

13 Plaintiff,
14 v.

15 MICHAEL SWICK and SHANNON SWICK,
16 each individually and their marital community
17 comprised thereof, and SWICK & SON
ENTERPRISES, INC., and BRENDA
WATERS,

18 Defendants.

Case No. 3:24-cv-05792-DWC

19 **STIPULATION AND ORDER
20 REGARDING COVERAGE**

21 **NOTE ON MOTION CALENDAR:
22 November 13, 2024**

23 **COME NOW**, Plaintiff, First American Property & Casualty Insurance Company
("First American"), and Defendant, BRENDA WATERS, ("Defendant Waters"), by and
through their counsel of record, and respectfully move this Court, via stipulation, as follows:

24 **STIPULATION**

25 1. On September 20, 2024, First American commenced an action in this Court
26 seeking relief in the form of a Declaratory Judgment of no coverage under the Homeowner's
27 policy.

1 2. Defendant Waters, through her counsel of record, hereby stipulates and agrees
 2 that there is no coverage under the Homeowner's policy for the claims made by Waters against
 3 Michael and Shannon Swick.

4 3. First American and Defendant Waters further stipulate that each party shall bear
 5 their own attorneys' fees and costs with respect to this suit and dismiss waters from the case.

6 4. This Stipulation is not intended to prevent Plaintiff from pursuing relief from
 7 the defendants, Michael and Shannon Swick, in their individual and marital capacities, or
 8 against Swick and Son Enterprises, Inc.

9 DATED this 13th day of November 2024.

DATED this 13th day of November 2024.

10 **WATHEN | LEID | HALL | RIDER, P.C.**

11 s/Rory W. Leid, III

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s/LaRee Beck (via email approval)

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ORDER

The Plaintiff and Defendant Waters in the above-referenced action filed a Stipulation Regarding Coverage. The Court having reviewed that stipulation and good cause appearing, declares as follows:

Defendant Waters agrees with First American's position that it has no duty to defend MICHAEL SWICK and SHANNON SWICK, each individually or their marital community comprised thereof, in this action.

Further based upon the Stipulation, Defendant Brenda Waters is hereby DISMISSED from the case with prejudice and without fees and costs.

DATED this 19th day of November, 2024.

HONORABLE BENJAMIN H. SETTLE
UNITED STATES DISTRICT JUDGE

Presented by:

WATHEN | LEID | HALL | RIDER, P.C.

s/Rory W. Leid, III

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